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## City Council Meeting Agenda

5:30 p.m.  
February 12, 2015  
300 West Cotton Street  
Jo Ann Metcalf Municipal Building  
City Hall Council Chamber

- I. Call to Order**
- II. Invocation**
- III. Pledge of Allegiance**
- IV. Citizen Comment**
- V. Consent Agenda**
  - A. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents with Plante & Moran PLLC of Southfield, Michigan in an amount not to exceed \$70,000.00 for an Information Technology and Geographic Information Systems Strategic Plan – Justin Cure, Information Services Manager. [Pages 4 - 9](#)
  - B. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for the application, receipt and expenditure of grant funding in an amount not to exceed \$23,400.00 from the 2015 Equipment Project, Edward Byrne Memorial Justice Assistance Grant Program, from the Criminal Justice Division of the Governor's Office for funding to purchase equipment for the Longview Police Department – Don Dingler, Police Chief. [Pages 10 - 13](#)
  - C. Consider a Resolution authorizing and accepting the final payment in the amount of \$49,066.70 to Reynolds and Kay, LTD, of Tyler, Texas for the project known as "Upgrade Oil Dirt Streets - Stage Four" – Rolin McPhee, P.E., Director of Public Works. [Pages 14 - 17](#)

- D. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents with Cutler Repaving, Inc. of Lawrence, Kansas in the amount of \$750,887.50 for the construction of the 2015 HMA Hot-in-Place Recycling Project contingent on certain funding from Gregg County – Rolin McPhee, P.E., Director of Public Works. [Pages 18 - 21](#)
- E. Consider a Resolution authorizing and accepting the final payment in the amount of \$74,131.20 to AAA Sanitation, Inc. of Tyler, Texas for the project known as "Sewer Line Replacement at Loop 281 and Oakland Creek" – Rolin McPhee, P.E., Director of Public Works. [Pages 22 - 25](#)
- F. Consider approval of the following minutes: January 27, 2015 – Shelly Ballenger, City Secretary. [Page 26](#)

## **VI. Zoning – Public Hearing Items**

- A. **A PUBLIC HEARING** will be held to consider application #Z15-01 filed by Premiere Management requesting a rezone from Agricultural (A) to General Retail (GR) for approximately 1.5 acres of Abstract 258 P.P. Rains Survey Tract 29-05, Section 4 located at 330 East Hawkins Parkway – Angela Choy, Interim City Planner. **THIS ITEM REQUIRES A PUBLIC HEARING.** [Pages 27 - 36](#)
- B. **A PUBLIC HEARING** will be held to consider application #Z15-02 filed by Fereidon Hakim requesting a rezone from Multi-Family (MF-3) to General Retail (GR) for approximately 2.332 acres of Abstract 71 D Ferguson Survey Tract 17, Section 2 located on the south side of Toler Road, west of Gilmer Road – Angela Choy, Interim City Planner. **THIS ITEM REQUIRES A PUBLIC HEARING.** [Pages 37 - 46](#)
- C. **A PUBLIC HEARING** will be held to consider application #Z15-03 filed by 1601 Alpine Interest requesting a rezone from Single Family (SF-4) to General Retail (GR) for All Block 7 Valley View and Lot 8, Block 8 Valley View located at 1601 Alpine Road – Angela Choy, Interim City Planner. **THIS ITEM REQUIRES A PUBLIC HEARING.** [Pages 47 - 57](#)

## **VII. Action Item**

Consider a Resolution approving a compensation adjustment for the City Secretary – Mayor and City Council. [Pages 58 - 59](#)

## **VIII. Items of Community Interest**

## **IX. Adjourn**

Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551. The City Council reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. In addition, the City Council may consider a vote to excuse the absence of any City Council Member for absence from this meeting or for absence from any previous City Council meeting.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aid or services are requested to contact the City Secretary's Office at 903.237.1080 at least two days before this meeting so that appropriate arrangements can be made.

Para ayuda en español, por favor llame al 903.237.1000.

# INFORMATION TECHNOLOGY & GEOGRAPHIC INFORMATION SYSTEM STRATEGIC PLAN

## DESCRIPTION:

This item would allow for an agreement for an Information Technology (IT) and Geographic Information System (GIS) strategic plan. This strategic plan includes staff, budget, infrastructure, process, purchasing, training, and emerging technology reviews. The reviews will be followed by a gap analysis, recommendations on eliminating the gaps, and phased prioritized recommendations including cost estimates. This strategic plan will be the roadmap for the Information Services division for the next five years.

A request for proposals was published and 9 proposals were received.

A review committee was comprised of the Longview Information Services Manager, City of Longview Administration Director, Public Safety Communications Manager, and SCADA Controls Group Manager. The following criteria was used in determining the recommended proposal:

40% Work plan; including all items listed in the section titled Work Plan, as well as all items listed in Attachment 1 – Statement of Work.

30% Cost of Service

15% Experience/Qualifications; including previous projects worked on, experience with similar technologies, and experience of personnel. Any item listed under section titled Performance Expectations.

10% Project Timeline

5% Responsiveness to complying with the RFP requirements.

Based on a review of the listed criteria it is recommended that the contract for the IT & GIS Strategic Plan be awarded to Plante & Moran, PLLC of Southfield, Michigan.

## RECOMMENDED ACTION:

Award of resolution to Plante & Moran PLLC of Southfield, Michigan

## SOURCE OF FUNDS:

042-012-000-5111 GIS Contractual Services; 001-011-000-5111 IT Contractual Services

## STAFF CONTACTS:

Jaye Latch, Purchasing Manager  
903-237-1324

[jlatch@longviewtexas.gov](mailto:jlatch@longviewtexas.gov)

Justin Cure, Information Services Manager

903-237-1048

[jcure@longviewtexas.gov](mailto:jcure@longviewtexas.gov)

**COUNCIL DATE:**

February 12, 2015

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROPOSAL OF PLANTE & MORAN, PLLC OF SOUTHFIELD, MICHIGAN FOR AN INFORMATION TECHNOLOGY & GEOGRAPHIC INFORMATION SYSTEMS STRATEGIC PLAN; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE TO NEGOTIATE AND EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND PLANTE & MORAN, PLLC FOR SAID PLAN; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE COMPETITIVE PURCHASING REQUIREMENTS IN SOLICITING AND ACCEPTING SAID PROPOSAL; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview issued a request for proposals for an Information Technology & Geographic Information System Strategic Plan; and,

WHEREAS, Plante & Moran, PLLC of Southfield, Michigan submitted the best proposal based on published evaluation criteria for said Information Technology & Geographic Information System Strategic Plan; and,

WHEREAS, prior to advertising for proposals for the aforesaid announcement system, the City of Longview Purchasing Manager determined that the competitive sealed proposal procedure was the method of purchase that would provide the best value to the City of Longview in obtaining the aforesaid Information Technology & Geographic Information System Strategic Plan; and,

WHEREAS, the City of Longview Purchasing Manager is the designated

representative to whom the City Council of the City of Longview (in the Purchasing Manual previously adopted by ordinance of said Council) has delegated the authority to make the above-described determination; and,

WHEREAS, the City has considered the criteria described in Section 252.043 (b) of the Texas Local Government Code and the discussions conducted under Section 252.042 of the Texas Local Government Code in determining the best value for the municipality with regard to the above-described Information Technology & Geographic Information System Strategic Plan; and,

WHEREAS, funding for the purchase described herein is provided from both 042-012-000-5111 GIS Contractual Services (\$50,000.00) and 001-011-000-111 IT Contractual Services (\$20,000.00); NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That, after considering the criteria described in Section 252.043 (b) of the Texas Local Government Code and the discussions conducted under Section 252.042 of the Texas Local Government Code, the above-described proposal of Plante & Moran PLLC of Southfield, Michigan, was deemed by the City of Longview Purchasing Manager and the Longview City Council to provide the best value to the City of Longview for an Information Technology & Geographic Information System Strategic Plan.

Section 3. That the City of Longview hereby accepts the aforementioned

proposal from Plante & Moran, PLLC of Southfield, Michigan.

Section 4. That the total amount for the purchase described herein for the Information Technology & Geographic Information System Strategic Plan to be provided by Plante & Moran, PLLC of Southfield, Michigan shall not exceed \$70,000.00.

Section 5. That the City Manager, the City Manager's designee and/or any other official or representative of the City of Longview as shall be required, is/are hereby authorized to negotiate and execute any and all contracts and other documents, as approved by the City Attorney's Office, incident to the acceptance of the aforesaid proposal from Plante & Moran, PLLC of Southfield, Michigan for said Information Technology & Geographic Information System Strategic Plan.

Section 6. That the process by which the aforementioned proposal was solicited, received and accepted in all things complied with the applicable purchasing requirements of state and federal law, including but not limited to the requirements of Chapter 252 of the Texas Local Government Code.

Section 7. That the meeting at which this resolution was approved was in all things conducted in strict compliance with Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 8. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 12<sup>th</sup> day of February, 2015.

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Jay Dean  
Mayor



ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PUR IT & GIS STRATEGIC PLAN 02-12-15

## GRANT APPLICATION

|                            |  |
|----------------------------|--|
| <b>DESCRIPTION:</b>        | Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to apply for and execute any necessary documents to accept a grant in an amount not to exceed \$23,400.00 from The 2015 Equipment Project, Edward Byrne Memorial Justice Assistance Grant Program, from the Criminal Justice Division of the Governor's Office for the purchase of equipment for the Longview Police Department. |
| <b>RECOMMENDED ACTION:</b> | Resolution and Council approval  |
| <b>SOURCE OF FUNDS:</b>    | N/A  |
| <b>STAFF CONTACT:</b>      | Don Dingler, Chief of Police<br>903-237-1100<br><a href="mailto:ddingler@longviewtexas.gov">ddingler@longviewtexas.gov</a>   |
| <b>COUNCIL DATE:</b>       | February 12, 2015  |

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING APPLICATION, ACCEPTANCE AND EXPENDITURE OF GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$23,400.00 FROM THE 2015 EQUIPMENT PROJECT, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM, FROM THE CRIMINAL JUSTICE DIVISION OF THE GOVERNOR'S OFFICE FOR USE BY THE CITY OF LONGVIEW POLICE DEPARTMENT; AUTHORIZING THE ACCEPTANCE OF ALL SPECIAL CONDITIONS IMPOSED IN CONNECTION WITH SAID GRANT FUNDING; AUTHORIZING AND DIRECTING THE CITY OF LONGVIEW CHIEF OF POLICE OR OTHER OFFICIAL OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING FOR, SECURING AND EXPENDING SAID GRANT; PROVIDING FOR RETURN OF FUNDS FOR LOSS OR MISUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the Criminal Justice Division of the Governor's Office sponsors the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Program for the purpose of supporting initiatives that reduce crime and its effect on communities; and,

WHEREAS, the City of Longview Police Department has qualified for and wishes to apply for a 2015 Equipment Project, Edward Byrne Justice Assistance Grant, in an amount not to exceed \$23,400.00 from the Criminal Justice Division of the Governor's Office, which will be used by the Longview Police Department to purchase laptops and an evidence refrigerator; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City of Longview Police Department, by and through the Chief of Police, is hereby authorized to apply for, accept, reject, alter, or terminate, on behalf of the City of Longview, a 2015 Equipment Project, Edward Byrne Memorial Justice Assistance Grant (JAG) Program award not to exceed the amount of \$23,400.00 from the Criminal Justice Division of the Governor's Office.

Section 3. That the City of Longview is hereby authorized to submit said application to the Criminal Justice Division of the Governor's Office in a timely manner.

Section 4. That the City of Longview hereby accepts and agrees to all special conditions imposed in connection with the aforementioned grant before the end of the 12-month grant period.

Section 5. That the City of Longview Police Department, by and through the Chief of Police, or other official of the City as shall be required, is hereby authorized and directed to execute any and all contracts and other documents, as approved by the City Attorney's Office, incident to the application, acceptance and expenditure on behalf of the City of Longview of a 2015 Equipment Project, Edward Byrne Memorial Justice Assistance Grant (JAG) Program award, in an amount not to exceed \$23,400.00 from the Criminal Justice Division of the Governor's Office.

Section 6. The City of Longview agrees that in the event of loss or misuse of the Criminal Justice Division funds that the funds awarded will be returned to the Criminal Justice Division in full.

Section 7. That the meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 8. That this resolution shall be effective immediately from and after its date of passage.

PASSED and APPROVED this 12<sup>th</sup> day of February, 2015.

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Jay Dean  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R POLICE CJD GRANT 2-12-15

## UPGRADE OIL DIRT STREETS - STAGE FOUR

|                            |  |
|----------------------------|--|
| <b>DESCRIPTION:</b>        | <p>Consider a Resolution accepting the Upgrade Oil Dirt Streets - Stage Four Project and authorizing final payment in the amount of \$49,066.70 to Reynolds and Kay, LTD, of Tyler, Texas. Approval of final payment will begin the contractor's one-year warranty period.</p> <p>The City Council awarded a contract to Reynolds and Kay on July 17, 2014 in the amount of \$676,950.10. The final construction cost is \$655,446.10.</p> <p>The scope of work includes the reconstruction and/or upgrade of 30,600 square yards of substandard oil dirt streets to asphalt streets using pulverize-mix construction methods and miscellaneous work as necessary to complete the installation. The streets included in Stage Three are Brent and La Famo Roads.</p> <p>The project has been completed in accordance with the contract. The consultant, Hayes Engineering recommends acceptance of the project and approval of the final payment. Staff concurs with the recommendation.</p> |
| <b>RECOMMENDED ACTION:</b> | Passage of the Resolution.   |
| <b>SOURCE OF FUNDS:</b>    | Funding is available from the 2011 Bond Fund   |
| <b>STAFF CONTACT:</b>      | Rolin McPhee, P.E., Director of Public Works<br>903-237-1336<br><a href="mailto:rmcphee@LongviewTexas.gov">rmcphee@LongviewTexas.gov</a>   |
| <b>COUNCIL DATE:</b>       | February 12, 2015  |

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT KNOWN AS "OIL DIRT STREET UPGRADE - STAGE FOUR"; AUTHORIZING AND APPROVING FINAL PAYMENT TO REYNOLDS & KAY, LTD., OF TYLER, TEXAS, FOR CONSTRUCTION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, on July 17, 2014, the City Council awarded a construction contract to Reynolds & Kay, Ltd, of Tyler, Texas, in the amount of \$676,950.10 for the project known as "Oil Dirt Street Upgrade - Stage Four"; and,

WHEREAS, this project provided for the reconstruction and/or upgrade of approximately 30,600 square yards of substandard oil dirt streets to asphalt streets using pulverize-mix construction methods; and,

WHEREAS, the final construction cost for said project was \$655,446.10; and,

WHEREAS, the project has been completed in accordance with the plans and specifications and the contractor, Reynolds & Kay, of Tyler, Texas, has requested final payment in the amount of \$49,066.70; and,

WHEREAS, the final amount of \$49,066.70 is due to the contractor as final payment; and,

WHEREAS, the acceptance of the work by Reynolds & Kay, of Tyler, Texas, on the aforementioned contract and the approval of final payment therefore will

begin the one-year maintenance warranty period for said work; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved.

Section 2. That the construction work performed by Reynolds & Kay, of Tyler, Texas, on the project known as "Oil Dirt Street Upgrade - Stage Four" is hereby accepted as complete and that final payment in the amount of \$49,066.70 for the construction of said project is hereby approved.

Section 3. That the meeting at which this resolution was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 4. That this resolution shall become effective from and after its passage.

PASSED AND APPROVED this 12<sup>th</sup> day of February, 2015.

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Jay Dean  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary



APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PW FINAL PAY OLD DIRT STREET STAGE 4 2-12-15

## 2015 HMAC HOT-IN-PLACE RECYCLING

**DESCRIPTION:** Consider a Resolution awarding a contract in the amount of \$750,887.50 to Cutler Repaving, Inc., of Lawrence, Kansas for the construction of the referenced project. The following bid was opened on January 22, 2015:

| Bidder                                    | Amount       |
|---|--------------|
| Cutler Repaving, Inc.<br>Lawrence, Kansas | \$750,887.50 |

This is a part of our annual maintenance that consists of the asphalt recycle and overlay of approximately 65,000 square yards of streets citywide. The streets were selected using the Pavement Management Program, which selects the streets needing annual maintenance based upon actual field investigation, testing data and according to the Pavement Management Policy as adopted by City Council.

This contract will be placed on the next Gregg County Court agenda for approval of the project for reimbursement by Gregg County. Gregg County has budgeted \$125,000 for the City of Longview's Pavement Maintenance Program.

Streets to be overlaid include Hawkins and Birdsong.

Public Works Engineering has examined the bids and the qualifications of the low bidder, and recommends award of the contract to Cutler Repaving, Inc. of Lawrence, Kansas in the amount of \$750,887.50.

**RECOMMENDED ACTION:** Passage of Resolution.

**SOURCE OF FUNDS:** Funding is available from the General Fund and Gregg County.

**STAFF CONTACT:** Rolin McPhee, P.E., Director of Public Works,  
903-237-1336  
[rmcphee@longviewtexas.gov](mailto:rmcphee@longviewtexas.gov)

**COUNCIL DATE:** February 12, 2015

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF CUTLER REPAVING, INC., OF LAWRENCE, KANSAS, FOR CONSTRUCTION OF THE PROJECT ENTITLED "2015 HMAC HOT-IN-PLACE RECYCLING"; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND CUTLER REPAVING, INC. FOR THE ABOVE REFERENCED PROJECT; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN ACCEPTING SAID BID; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview desires to begin construction of the project known as "2015 HMAC Hot-In-Place Recycling"; and,

WHEREAS, this project provides for the asphalt overlay of approximately 65,000 square yards of street citywide; and,

WHEREAS, the award of this contract is contingent upon approval by Gregg County for project reimbursement; and,

WHEREAS, funding for this project is provided from the General Fund and Gregg County; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the bid submitted by Cutler Repaving, Inc. of Lawrence, Kansas, for construction of the project known as “2015 HMAC Hot-In-Place Recycling” in the amount of \$750,887.50 is the lowest bid submitted to the City of Longview for construction of said project.

Section 3. That the City of Longview hereby accepts the aforementioned bid by Cutler Repaving, Inc. in the amount of \$750,887.50.

Section 4. That the award of this contract to Cutler Repaving, Inc., of Lawrence, Kansas, is contingent upon the receipt of funding of up to \$125,000.00 from Gregg County for partial project reimbursement.

Section 5. That the City Manager, his designee or other official of the City as shall be required, are hereby authorized and directed to execute any and all contracts and other documents, as approved by Gregg County for reimbursement and as approved by the City Attorney’s Office, incident to the acceptance on behalf of the City of Longview of a bid by Cutler Repaving, Inc. of Lawrence, Kansas, for the project known as “2015 HMAC Hot-In-Place Recycling”.

Section 6. That the process by which the aforementioned bid was received and accepted in all things complied with the applicable purchasing requirements of state and federal law, including but not limited to the requirements of Chapter 252 of the Texas Local Government Code.

Section 7. That the meeting at which the aforesaid bid was accepted was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 8. That this resolution shall become effective from and after its

passage.

PASSED AND APPROVED this 12<sup>th</sup> day of February, 2015.

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Jay Dean  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PW BID HMAC HOT IN PLACE PAVING 2-12-15

## SEWER LINE REPLACEMENT AT LOOP 281 AND OAKLAND CREEK

|                            |  |
|----------------------------|--|
| <b>DESCRIPTION:</b>        | <p>Consider a Resolution accepting the Sewer Line Replacement at Loop 281 and Oakland Creek Project and authorizing final payment in the amount of \$74,131.20 to AAA Sanitation, Inc., of Tyler, TX. Approval of final payment will begin the contractor's one-year warranty period.</p> <p>The City Council awarded a contract to AAA Sanitation on July 17th, 2014 in the amount of \$199,472. The final construction cost is \$188,172.</p> <p>The scope of work includes the construction of 250 feet of an 12 inch sewer main crossing Loop 281.</p> <p>The project has been completed in accordance with the contract. The consultant, KSA Engineers recommends acceptance of the project and approval of the final payment. Staff concurs with the recommendation.</p> |
| <b>RECOMMENDED ACTION:</b> | Passage of the Resolution.   |
| <b>SOURCE OF FUNDS:</b>    | Funding is available from the Sewer Revenue Fund.  |
| <b>STAFF CONTACT:</b>      | Rolin McPhee, P.E., Director of Public Works<br>903-237-1336<br><a href="mailto:rmcphee@longviewtexas.gov">rmcphee@longviewtexas.gov</a>   |
| <b>COUNCIL DATE:</b>       | February 12, 2015  |

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT KNOWN AS "SEWER LINE REPLACEMENT AT LOOP 281 AND OAKLAND CREEK"; AUTHORIZING AND APPROVING FINAL PAYMENT TO AAA SANITATION, INC., OF TYLER, TEXAS, FOR CONSTRUCTION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, on July 17, 2014, the City Council awarded a construction contract to AAA Sanitation, Inc., of Tyler, Texas, in the amount of \$199,472 for the project known as "Sewer Line Replacement at Loop 281 and Oakland Creek"; and,

WHEREAS, the "Sewer Line Replacement at Loop 281 and Oakland Creek" involved, among other things, the installation of 250 linear feet of sewer main and appurtenances crossing Loop 281 at Oakland Creek; and,

WHEREAS, the final construction cost for said project was \$188,172.00; and,

WHEREAS, the project has been completed in accordance with the plans and specifications and the contractor, AAA Sanitation, Inc., of Tyler, Texas, has requested final payment in the amount of \$74,131.20; and,

WHEREAS, the final amount of \$74,131.20 is due to the contractor as final payment; and,

WHEREAS, the acceptance of the work by AAA Sanitation, Inc., of Tyler, Texas, on the aforementioned contract and the approval of final payment therefore will

begin the one-year maintenance warranty period for said work; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the construction work performed by AAA Sanitation, Inc., of Tyler, Texas, on the project known as "Sewer Line Replacement at Loop 281 and Oakland Creek" is hereby accepted as complete and that final payment in the amount of \$74,131.20 for the construction of said project is hereby approved.

Section 3. That the meeting at which this resolution was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 4. That this resolution shall become effective from and after its passage.

PASSED AND APPROVED this 12<sup>th</sup> day of February, 2015.

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Jay Dean  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary



APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PW FINAL PAY SEWER LINE REPLACEMENT LOOP 281 AND OAKLAND CREEK 2-12-15

**CONSIDER APPROVAL OF THE FOLLOWING MINUTES**

January 27, 2015

**Agricultural (A) to General Retail (GR) for approximately 1.5 acres of Abstract 258 P.P. Rains Survey Tract 29-05, Section 4 located at 330 East Hawkins Parkway**

|                            |  |   |
|----------------------------|--|---|
| <b>DESCRIPTION:</b>        |  | A PUBLIC HEARING will be held to consider application #Z15-01 filed by Premiere Management requesting a rezone from Agricultural (A) to General Retail (GR) for approximately 1.5 acres of Abstract 258 P.P. Rains Survey Tract 29-05, Section 4 located at 330 East Hawkins Parkway. |
|                            |  |   |
| <b>RECOMMENDED ACTION:</b> |  | Staff recommends approval. Planning & Zoning Commission recommends Approval.  |
|                            |  |   |
| <b>STAFF CONTACT:</b>      |  | Angela Choy, Interim City Planner   |
|                            |  | 903-237-1073  |
|                            |  | <a href="mailto:achoy@LongviewTexas.gov">achoy@LongviewTexas.gov</a>  |
|                            |  |   |
| <b>COUNCIL DATE:</b>       |  | February 12, 2015   |

## STAFF REPORT

February 12, 2015

**APPLICANT:** Premiere Management  
**LOCATION:** Approximately 1.5 acres of Abstract 258 P.P. Rains Survey Tract 29-05, Section 4 located at 330 East Hawkins Parkway.  
**REQUEST:** From Agricultural (A) to General Retail (GR)

|                | <u><b>ZONING</b></u> | <u><b>LAND USE</b></u> |
|----------------|----------------------|------------------------|
| SUBJECT PARCEL | A                    | Former Church          |
| NORTH          | GR                   | Medical Clinic         |
| SOUTH          | GR                   | Vacant                 |
| WEST           | GR                   | Vacant                 |
| EAST           | C                    | Vacant                 |

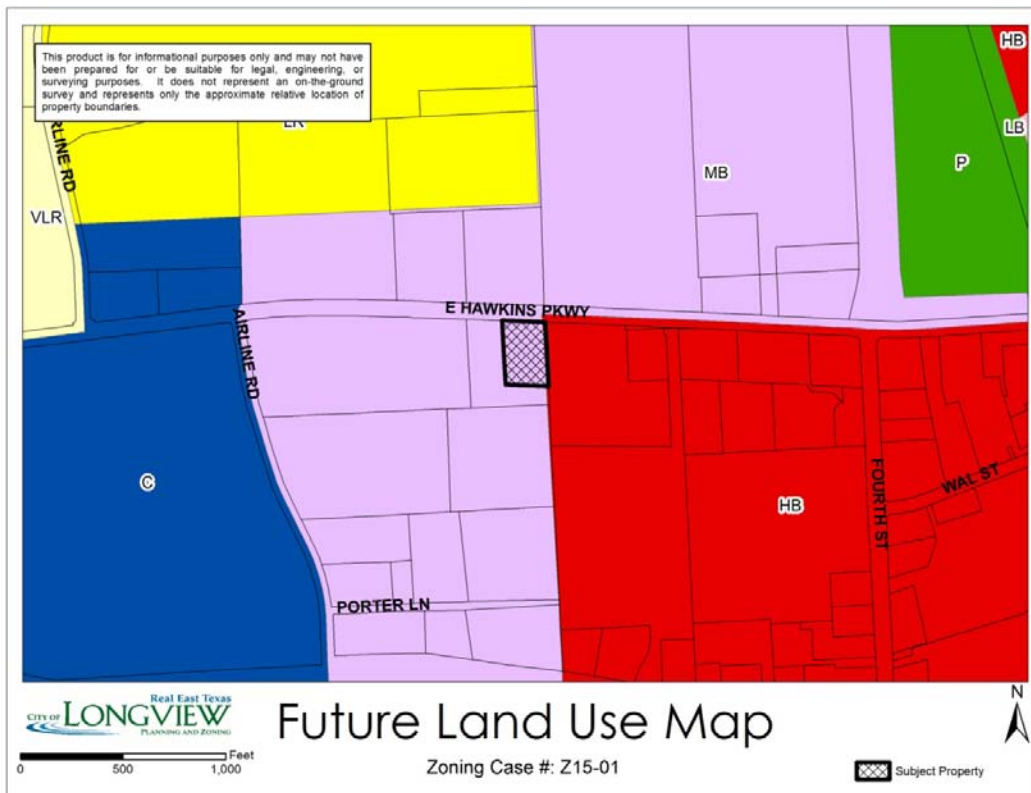
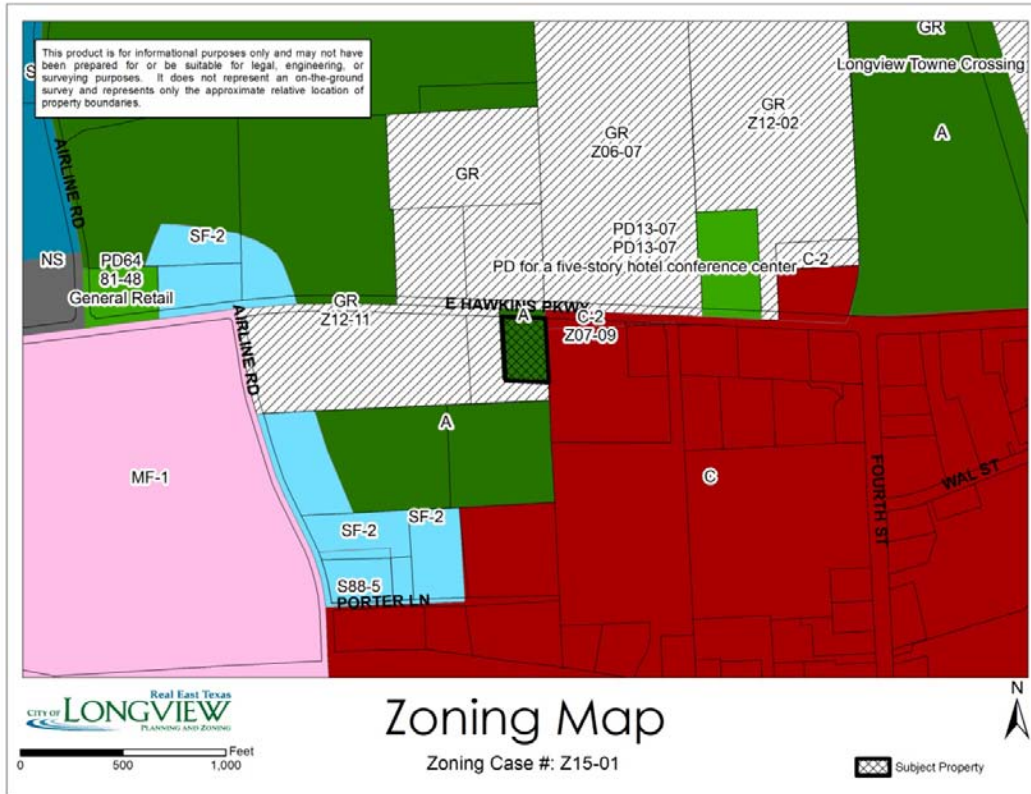
**COUNCIL DISTRICT:**  
District 4 – Council Member Kristen Ishihara

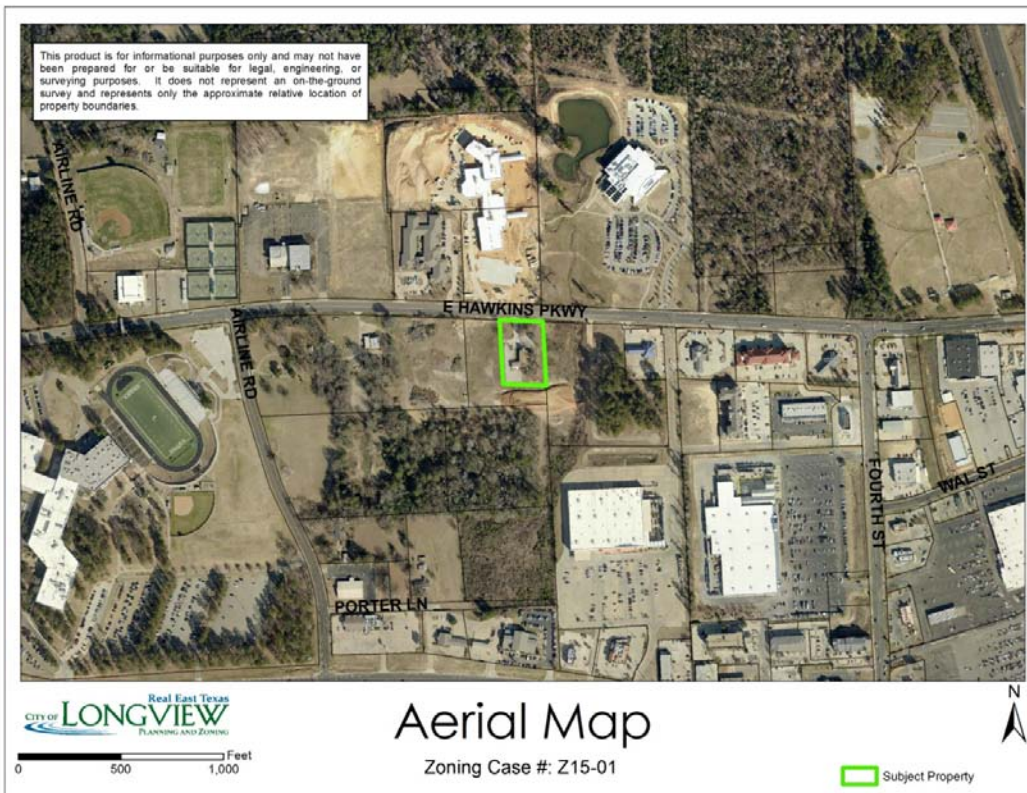
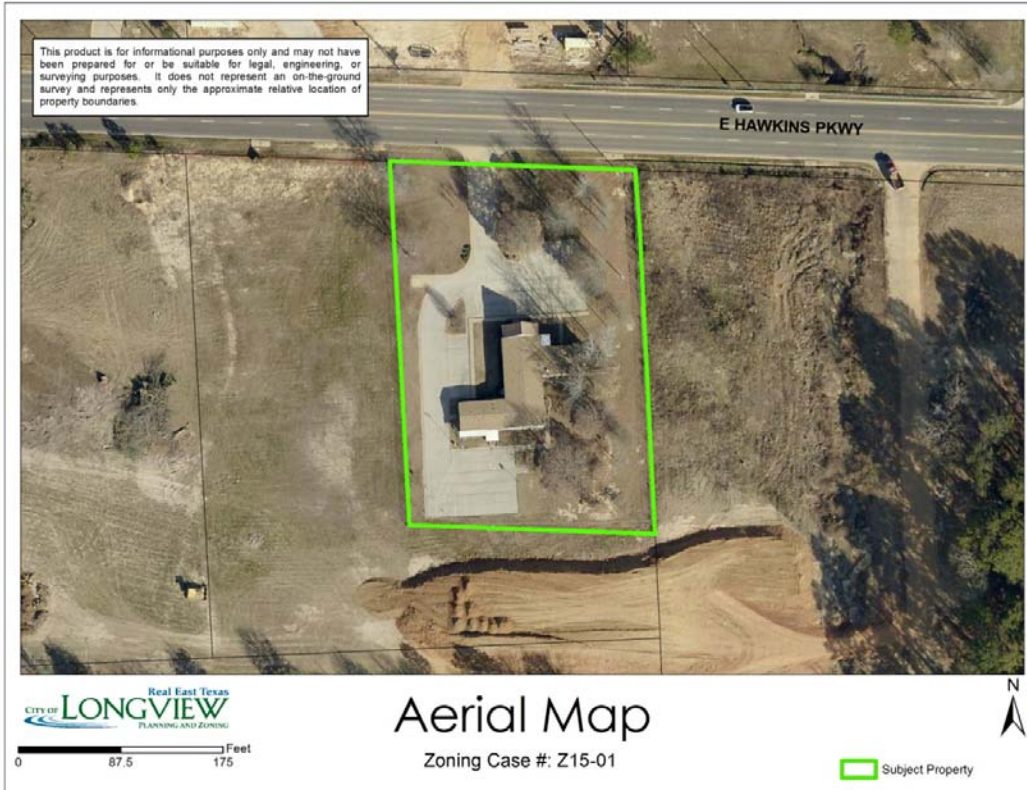
**FUTURE LAND USE:**  
The Comprehensive Plan designates this area for Medium Intensity Business.

**STAFF COMMENTS:**  
The applicant is requesting a rezone from Agricultural (A) to General Retail (GR). Previously, a church occupied this building and churches are allowed in any zoning district. The potential tenant operates a restaurant in Hallsville and wants to expand their business. In order for the business to utilize the property, a rezone is required.

Hawkins Parkway is a minor arterial which is appropriate for this type of use. Staff finds the proposed zoning change is consistent with the future land use and the surrounding uses.

**STAFF RECOMMENDATION:**  
Planning and Zoning Commission (8-0) and Staff recommend **approval** of this request.















ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT APPROXIMATELY 1.5 ACRES OF ABSTRACT 258 P.P. RAINS SURVEY TRACT 29-05, SECTION 4 LOCATED AT 330 EAST HAWKINS PARKWAY BE REZONED FROM AGRICULTURAL (A) TO GENERAL RETAIL (GR); FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Planning and Zoning Commission of the City of Longview, Texas, and the City Council of the City of Longview, Texas, in compliance with the Charter of the City of Longview and the State laws in reference to the Zoning Ordinance regulations of the zoning map, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners, generally and to persons interested, situated in the affected area and in the vicinity thereof, the City Council of the City of Longview, Texas, being of the opinion that the zoning changes should be made as set forth herein; NOW,

THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the basic Zoning Ordinance of the City of Longview, Texas, Ordinance No. 96, of the Ordinance of the City as amended, be, and the same is hereby amended insofar as the property herein described is concerned, and such property shall be classified and placed into the use district hereinafter set forth and be subject to the provisions of said ordinance generally, and the official zoning map of said city, is hereby amended and corrected so that the following described real property, to-wit: that approximately 1.5 acres of Abstract 258 P.P. Rains Survey Tract 29-05, Section 4 located at 330 East Hawkins Parkway be rezone from Agricultural (A) to General Retail (GR).

Section 2. The City Planner is hereby directed to correct the Official Zoning District Maps in the office of the City Secretary, the Building Inspector and the City Planner to reflect the herein changes in zoning.

Section 3. That in all other respects the use of the herein above-described property shall be subject to all the applicable regulations of the Zoning Ordinance of the City of Longview, as amended.

Section 4. That both the Planning and Zoning Commission meeting and the City Council meeting at which this ordinance was approved were in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this ordinance is adopted in accordance with Chapter 211

of the Texas Local Government Code.

Section 6. That violations of this ordinance shall be subject to such penalties and enforcement as provided for violations of the City of Longview Zoning Ordinance (Ordinance No. 96 of the City of Longview, Texas, as amended).

Section 7. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only; provided, however, that the repeal of an ordinance by this ordinance does not affect the prior operation of the ordinance or any prior action taken under it, any obligation or liability previously acquired, accrued, or incurred under such prior ordinance, any violation of the prior ordinance or any penalty, forfeiture, or punishment incurred under said ordinance before its repeal, and any investigation, proceeding, or remedy under said prior ordinance and the penalty, forfeiture, or punishment imposed as a result of such investigation, proceeding, or remedy shall be imposed as if the prior ordinance had not been repealed.

Section 8. That if any section, paragraph, subdivision, clause, subsection, phrase, sentence, or other provision of this ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

Section 9. That the City Secretary is directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of Section 4.07 of the City Charter, which publication shall be sufficient if it contains the title of this ordinance and the penalty provided therein for violation thereof.

Section 10. That this ordinance shall be effective immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 12<sup>th</sup> day of February, 2015.

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Jay Dean  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O P&Z Z15-01 2-12-15

**Multi-Family (MF-3) to General Retail (GR) for approximately 2.332 acres of  
Abstract 71 D Ferguson Survey Tract 17, Section 2 located on the south side of  
Toler Road, west of Gilmer Road**

|                            |  |  |
|----------------------------|--|--|
| <b>DESCRIPTION:</b>        |  | A PUBLIC HEARING will be held to consider application #Z15-02 filed by Fereidon Hakim requesting a rezone from Multi-Family (MF-3) to General Retail (GR) for approximately 2.332 acres of Abstract 71 D Ferguson Survey Tract 17, Section 2 located on the south side of Toler Road, west of Gilmer Road. |
|                            |  |  |
| <b>RECOMMENDED ACTION:</b> |  | Staff recommends approval. Planning & Zoning Commission recommends Approval.   |
|                            |  |  |
| <b>STAFF CONTACT:</b>      |  | Angela Choy, Interim City Planner  |
|                            |  | 903-237-1073   |
|                            |  | <a href="mailto:achoy@LongviewTexas.gov">achoy@LongviewTexas.gov</a>   |
|                            |  |  |
| <b>COUNCIL DATE:</b>       |  | February 12, 2015  |

## STAFF REPORT

February 12, 2015

**APPLICANT:** Fereidon Hakim  
**LOCATION:** Approximately 2.332 acres of Abstract 71 D Ferguson Survey Tract 17, Section 2 located on the south side of Toler Road, west of Gilmer Road.  
**REQUEST:** From Multi-Family (MF-3) to General Retail (GR).

|                | <b><u>ZONING</u></b> | <b><u>LAND USE</u></b>         |
|----------------|----------------------|--------------------------------|
| SUBJECT PARCEL | MF-3                 | Vacant                         |
| NORTH          | GR                   | Single Family Home & Vacant    |
| <b>SOUTH</b>   | MF-3 & GR            | Retail Center & Vacant         |
| WEST           | MF-3                 | Vacant                         |
| EAST           | GR                   | Minor Auto Repair & Restaurant |

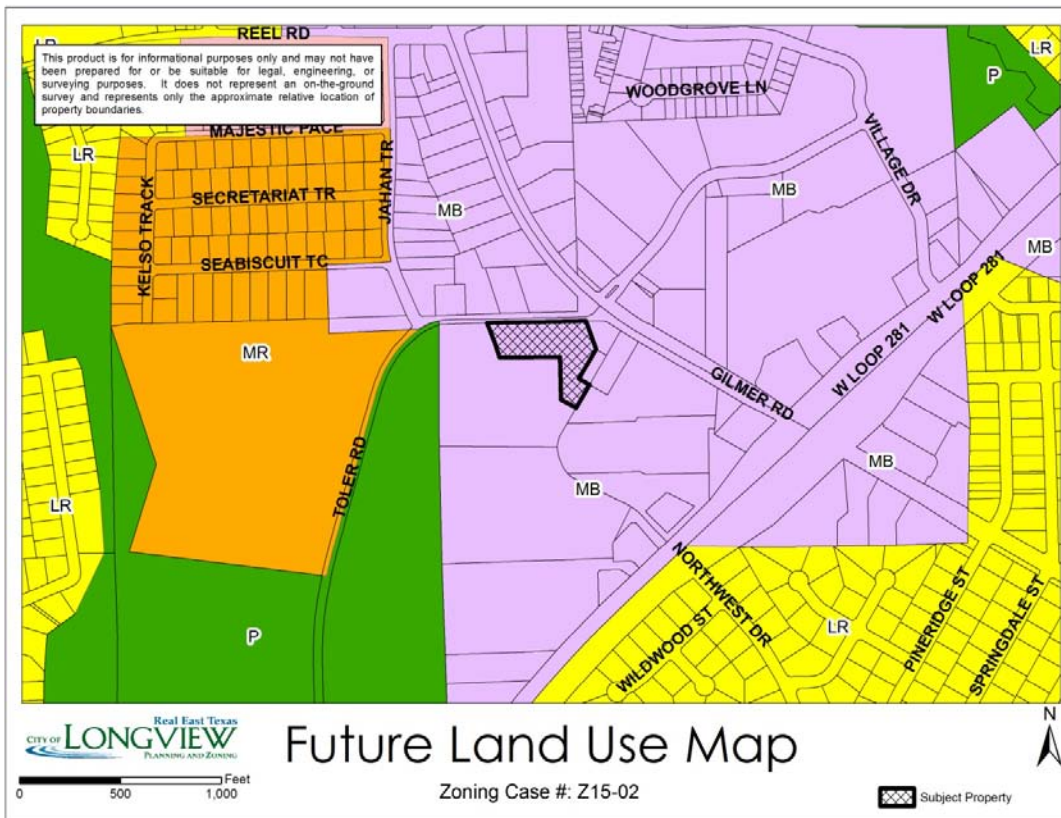
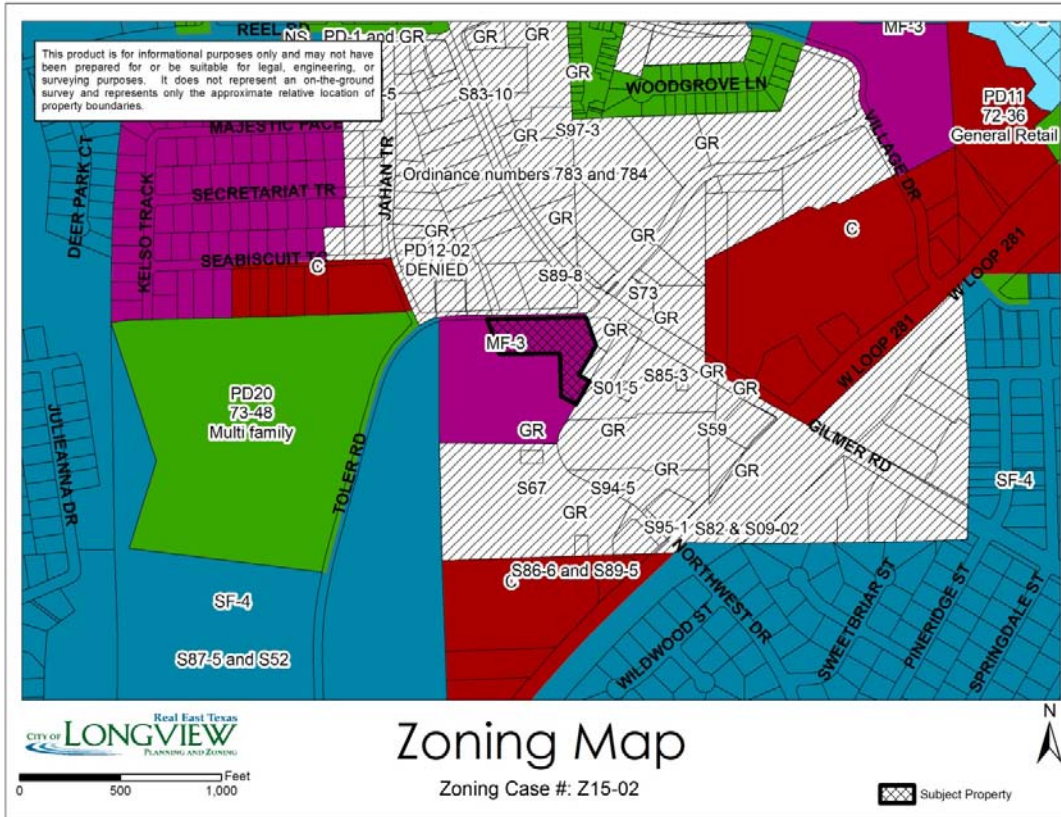
**COUNCIL DISTRICT:**  
District 1 – Council Member John Sims

**FUTURE LAND USE:**  
The Comprehensive Plan designates this area for Medium Intensity Business.

**STAFF COMMENTS:**  
The applicant is requesting a rezone from Multi-Family (MF-3) to General Retail (GR) to allow for a retail development on approximately 2.332 acres of a larger tract. The remaining piece of property will stay MF-3 and be developed as residential.

Staff finds the proposed zoning change is consistent with the future land use and the surrounding uses.

**STAFF RECOMMENDATION:**  
Planning and Zoning Commission (7-1 Frankie Parsons voted to deny) and Staff recommend **approval** of this request.















ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT APPROXIMATELY 2.332 ACRES OF ABSTRACT 71 D FERGUSON SURVEY TRACT 17, SECTION 2 LOCATED ON THE SOUTH SIDE OF TOLER ROAD, WEST OF GILMER ROAD BE REZONED FROM MULTI-FAMILY (MF-3) TO GENERAL RETAIL (GR); FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Planning and Zoning Commission of the City of Longview, Texas, and the City Council of the City of Longview, Texas, in compliance with the Charter of the City of Longview and the State laws in reference to the Zoning Ordinance regulations of the zoning map, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners, generally and to persons interested, situated in the affected area and in the vicinity thereof, the City Council of the City of Longview, Texas, being of the opinion that the zoning changes should be made as set forth herein; NOW,

THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the basic Zoning Ordinance of the City of Longview, Texas, Ordinance No. 96, of the Ordinance of the City as amended, be, and the same is hereby amended insofar as the property herein described is concerned, and such property shall be classified and placed into the use district hereinafter set forth and be subject to the provisions of said ordinance generally, and the official zoning map of said city, is hereby amended and corrected so that the following described real property, to-wit: that approximately 2.332 acres of Abstract 71 D Ferguson Survey Tract 17, Section 2 located on the south side of Toler Road, west of Gilmer Road be rezone from Multi-Family (MF-3) to General Retail (GR).

Section 2. The City Planner is hereby directed to correct the Official Zoning District Maps in the office of the City Secretary, the Building Inspector and the City Planner to reflect the herein changes in zoning.

Section 3. That in all other respects the use of the herein above-described property shall be subject to all the applicable regulations of the Zoning Ordinance of the City of Longview, as amended.

Section 4. That both the Planning and Zoning Commission meeting and the City Council meeting at which this ordinance was approved were in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this ordinance is adopted in accordance with Chapter 211

of the Texas Local Government Code.

Section 6. That violations of this ordinance shall be subject to such penalties and enforcement as provided for violations of the City of Longview Zoning Ordinance (Ordinance No. 96 of the City of Longview, Texas, as amended).

Section 7. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only; provided, however, that the repeal of an ordinance by this ordinance does not affect the prior operation of the ordinance or any prior action taken under it, any obligation or liability previously acquired, accrued, or incurred under such prior ordinance, any violation of the prior ordinance or any penalty, forfeiture, or punishment incurred under said ordinance before its repeal, and any investigation, proceeding, or remedy under said prior ordinance and the penalty, forfeiture, or punishment imposed as a result of such investigation, proceeding, or remedy shall be imposed as if the prior ordinance had not been repealed.

Section 8. That if any section, paragraph, subdivision, clause, subsection, phrase, sentence, or other provision of this ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

Section 9. That the City Secretary is directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of Section 4.07 of the City Charter, which publication shall be sufficient if it contains the title of this ordinance and the penalty provided therein for violation thereof.

Section 10. That this ordinance shall be effective immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 12<sup>th</sup> day of February, 2015.

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Jay Dean  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O P&Z Z15-02 2-12-15

**Single Family (SF-4) to General Retail (GR) for All Block 7 Valley View and Lot 8,  
Block 8 Valley View located at 1601 Alpine Road**

|                            |  |  |
|----------------------------|--|--|
| <b>DESCRIPTION:</b>        |  | A PUBLIC HEARING will be held to consider application #Z15-03 filed by 1601 Alpine Interest requesting a rezone from Single Family (SF-4) to General Retail (GR) for All Block 7 Valley View and Lot 8, Block 8 Valley View located at 1601 Alpine Road. |
|                            |  |  |
| <b>RECOMMENDED ACTION:</b> |  | Staff recommends approval. Planning & Zoning Commission recommends Approval.   |
|                            |  |  |
| <b>STAFF CONTACT:</b>      |  | Angela Choy, Interim City Planner  |
|                            |  | 903-237-1073   |
|                            |  | <a href="mailto:achoy@LongviewTexas.gov">achoy@LongviewTexas.gov</a>   |
|                            |  |  |
| <b>COUNCIL DATE:</b>       |  | February 12, 2015  |

**APPLICATION # Z15-03**

## **S T A F F   R E P O R T**

**February 12, 2015**

**APPLICANT:** 1601 Alpine Interest  
**LOCATION:** All Block 7, Valley View and Lot 8, Block 8, Valley View located at 1601 Alpine Road.  
**REQUEST:** From Single Family (SF-4) to General Retail (GR).

|                | <b><u>ZONING</u></b> | <b><u>LAND USE</u></b>                          |
|----------------|----------------------|---|
| SUBJECT PARCEL | SF-4                 | Former Public School                            |
| NORTH          | SF-4 & GR            | Single Family Homes & Minor Auto Repair         |
| SOUTH          | SF-4                 | Single Family Homes                             |
| WEST           | SF-4                 | Single Family Homes                             |
| EAST           | SF-4 & NS            | Single Family Home, Church, Marine Corps League |

**COUNCIL DISTRICT:**

District 4 – Council Member Kristen Ishihara

**FUTURE LAND USE:**

The Comprehensive Plan designates this area for Public/Private Facilities, Medium Intensity Business and Low Density Residential.

**STAFF COMMENTS:**

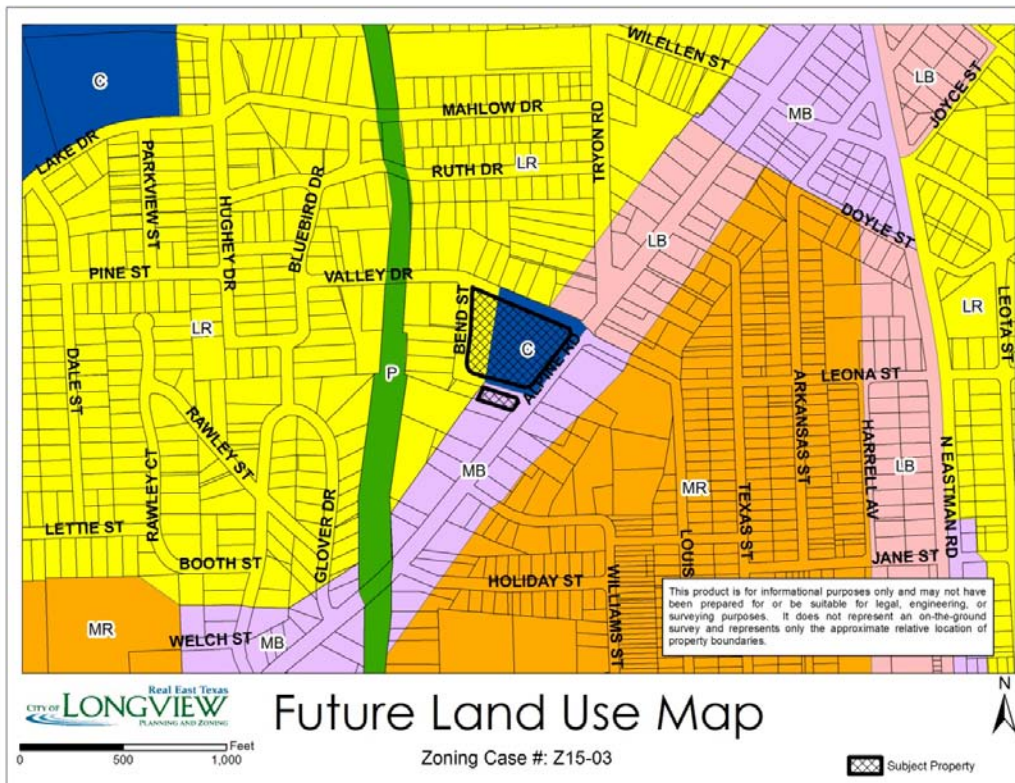
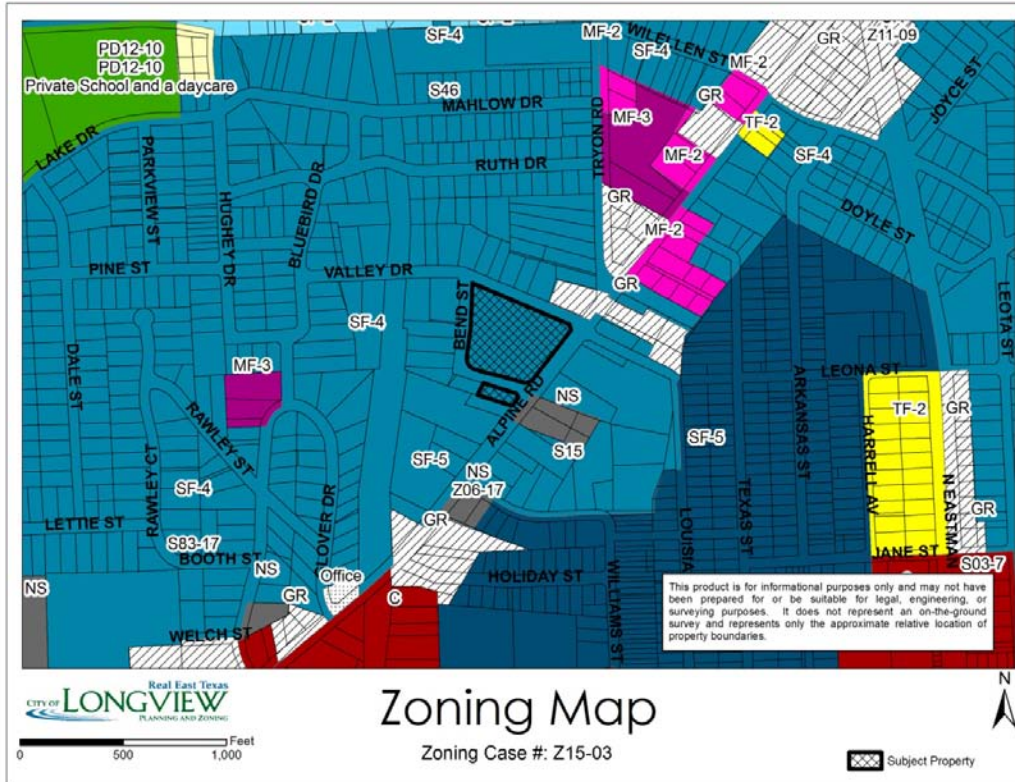
The applicant is requesting a rezone from Single Family (SF-4) to General Retail (GR). The subject property was View Valley Elementary School. The applicant purchased the property in 2013. In order to utilize the property for anything other than a public school, a church or government uses, a rezone is required.

Alpine Road is a principal arterial which is appropriate for retail type of uses. Staff finds the proposed zoning change is consistent with the future land use and the surrounding uses.

**STAFF RECOMMENDATION:**

Planning and Zoning Commission (5-2 with Frankie Parsons abstained; Lonnie Murphy and Bryce Bagby voted to deny) and Staff recommend **approval** of this request.



















ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT ALL BLOCK 7 VALLEY VIEW AND LOT 8, BLOCK 8 VALLEY VIEW LOCATED AT 1601 ALPINE ROAD BE REZONED FROM SINGLE FAMILY (SF-4) TO GENERAL RETAIL (GR); FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Planning and Zoning Commission of the City of Longview, Texas, and the City Council of the City of Longview, Texas, in compliance with the Charter of the City of Longview and the State laws in reference to the Zoning Ordinance regulations of the zoning map, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners, generally and to persons interested, situated in the affected area and in the vicinity thereof, the City Council of the City of Longview, Texas, being of the opinion that the zoning changes should be made as set forth herein; NOW,

THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the basic Zoning Ordinance of the City of Longview, Texas, Ordinance No. 96, of the Ordinance of the City as amended, be, and the same is hereby amended insofar as the property herein described is concerned, and such property shall be classified and placed into the use district hereinafter set forth and be subject to the provisions of said ordinance generally, and the official zoning map of said city, is hereby amended and corrected so that the following described real property, to-wit: that All Block 7 Valley View and Lot 8, Block 8 Valley View located at 1601 Alpine Road be rezone from Single Family (SF-4) to General Retail (GR).

Section 2. The City Planner is hereby directed to correct the Official Zoning District Maps in the office of the City Secretary, the Building Inspector and the City Planner to reflect the herein changes in zoning.

Section 3. That in all other respects the use of the herein above-described property shall be subject to all the applicable regulations of the Zoning Ordinance of the City of Longview, as amended.

Section 4. That both the Planning and Zoning Commission meeting and the City Council meeting at which this ordinance was approved were in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this ordinance is adopted in accordance with Chapter 211 of the Texas Local Government Code.

Section 6. That violations of this ordinance shall be subject to such penalties and enforcement as provided for violations of the City of Longview Zoning Ordinance (Ordinance No. 96 of the City of Longview, Texas, as amended).

Section 7. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only; provided, however, that the repeal of an ordinance by this ordinance does not affect the prior operation of the ordinance or any prior action taken under it, any obligation or liability previously acquired, accrued, or incurred under such prior ordinance, any violation of the prior ordinance or any penalty, forfeiture, or punishment incurred under said ordinance before its repeal, and any investigation, proceeding, or remedy under said prior ordinance and the penalty, forfeiture, or punishment imposed as a result of such investigation, proceeding, or remedy shall be imposed as if the prior ordinance had not been repealed.

Section 8. That if any section, paragraph, subdivision, clause, subsection, phrase, sentence, or other provision of this ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

Section 9. That the City Secretary is directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of Section 4.07 of the City Charter, which publication shall be sufficient if it contains the title of this ordinance and the penalty provided therein for violation thereof.

Section 10. That this ordinance shall be effective immediately from and



after its passage and publication as required by law.

PASSED AND APPROVED this 12<sup>th</sup> day of February, 2015.

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Jay Dean  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O P&Z Z15-03 2-12-15

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ADJUSTING THE COMPENSATION OF THE CITY SECRETARY; PROVIDING AN EFFECTIVE DATE FOR THE COMPENSATION ADJUSTMENT; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS CONSIDERED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Secretary was evaluated at the City Council meeting on January 8<sup>th</sup>, 2015; and,

WHEREAS, the City Council wishes to increase the compensation for this position; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City Secretary annual base salary will be increased to \$74,090.00.

Section 3. That said salary increase shall be effective beginning with the current pay period for City of Longview employees.

Section 4. That the meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this resolution shall be effective on and after its date of

passage.

PASSED AND APPROVED this 12<sup>th</sup> day of February, 2015.

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Jay Dean  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R COUNCIL COMPENSATION ADJUST CS 2-12-15